

October 5, 2018



Talbot County Planning Commission
Final Decision Summary

Wednesday, September 5, 2018 at 9:00 a.m.

Orphan's Court Room

11 N. Washington Street, Easton, Maryland

Attendance:

Commission Members:

John N. Fischer, Jr., Chairman
Paul Spies, Vice Chairman
William Boicourt
Michael Sullivan
Phillip "Chip" Councell (absent)

Staff:

Mary Kay Verdery, Planning Officer
Miguel Salinas, Assistant Planning Officer
Brennan Tarleton, Planner I
Elisa Deflaux, Environmental Planner
Anthony Kupersmith
Mary O'Donnell
Carole Sellman, Recording Secretary

1. Call to Order—Commissioner Fischer called the meeting to order at 9:22 a.m. and apologized to those in attendance for the change of meeting rooms and the subsequent delay with the start of the meeting.

2. Decision Summary Review—August 10, 2018—The Commission noted the following corrections to the draft decision summary:

- a. Line 138, correct to read, "Ms. Verdery stated the Master Plan requirement will not go away."
- b. Line 156, correct to read, "Mr. Holt stated he would like the Planning Commission to take a favorable look at the project."
- c. Line 157, insert a semicolon after the word store.

Commissioner Boicourt moved to approve the draft Planning Commission Decision Summary for August 10, as amended. Commissioner Sullivan seconded the motion. The motion carried unanimously, 4-0.

Commissioner Fischer explained there were only four (4) members of the Commission present and that a tie vote is considered a negative vote. He stated that any applicant may choose to withdraw their application until the next month without penalty .

3. Old Business—None.

4. New Business

- a. Major Site Plan—Trappe Sand and Gravel, LLC, c/o Andrew Frase #SP600—29745 Barber Road, Trappe, MD 21673 (map 59, grid 7, parcel 78, zoned

Countryside Preservation/Town Conservation), Elizabeth Fink of Fink, Whitten & Associates, LLC, Agent.

Mr. Tarleton presented the Trappe Sand and Gravel, LLC Staff Report for the expansion of an existing mineral extraction operation. The applicant is the contract purchaser of approximately 119 acres of a 197-acre parcel known as Tax Map 59, Parcel 11. The applicant plans to add the 119 acres, through a revision plat, to the 42-acre parcel known as Tax Map 59, Parcel 78 on which the current mineral extraction operation exists.

Staff recommendations include:

1. The applicant shall be required to obtain variances from the Board of Appeals for the setback associated with the Mineral Extraction use in order to expand the existing operation as proposed.
2. The applicant shall address the August 8, 2018 TAC comments from the Departments of Planning & Zoning, Public Works, and Environmental Health; and Talbot Soil Conservation District.
3. The applicant shall accurately depict the location and identify the uses of the existing structures on the site. Any structures not permitted by the Office of Permits and Inspections shall obtain after-the-fact building permits or be removed from the site completely.
4. The applicant shall provide the Department of Planning and Zoning with copies of all applicable Federal, State and local permits and approvals.
5. The applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Office of Permits and Inspections regarding new construction.
6. The applicant shall commence construction on the proposed improvements within twelve (12) months from the date of final approval.

Ryan Showalter, of McAllister, DeTar, Showalter & Walker, LLC and Elizabeth Fink of Fink, Whitten & Associates, LLC appeared on behalf of applicant. Mr. Showalter stated Trappe Sand and Gravel, LLC, is the owner and operator of an existing mineral extraction operation, accessed off of Barber Road, that has been in operation for several decades. He states the application before the Commission today is a major site plan and an application to the Board of Appeals for a Special Exception to permit the expansion of the operation onto land located to the south currently owned by Coffin Land, LLC.

Mr. Showalter stated that the parcel to the south is proposed to be added by a line revision. He explained that the existing parcel is zoned Town Conservation (TC) which does not permit this type use and is operating as a legal nonconforming use. He further explained that the expansion of a legal nonconforming use is permitted up to 10% of the area of the existing operation and the proposed expansion of the operation on Parcel 78 totals only 2.1% of the existing operation. Mr. Showalter described the operation as being owned and operated by Andrew

101 Frase and his son as a family operation. He stated there is no plan to increase
102 production or traffic in the near term; the expansion is to provide for reserves for
103 the long run and to provide long term access to mineral resources for the next
104 generation.

105
106 Mr. Showalter described the location of Trappe Sand and Gravel as immediately
107 to the west of two historic or existing sand and gravel facilities, which form the
108 entire northern boundary of the proposed expansion area. He noted the proposed
109 expansion area will be screened from all adjacent property by existing forest. To
110 the east, he stated, is the Holly Acres subdivision and the south is screened by an
111 existing stream corridor. Mr. Showalter further stated they are requesting a
112 variance from the Board of Appeals for a 50-foot setback on the northern property
113 line of Parcel 11 because they abut an existing sand and gravel facility.

114
115 Mr. Showalter stated the property will be mined over the next 30-60 years and
116 will be reclaimed as it is mined. He explained the top soil will be stripped and the
117 mining will occur below grade using an excavator; the mining will create a large
118 natural berm. He stated the forest located on the eastern boundary will not be
119 cleared for at least thirty years. He described the existing facility as having three
120 tractor trailer bodies, two to store hay and one to store tractor trailer parts and
121 stated they are currently unpermitted, but the applicant will obtain permits from
122 the County for these trailers.

123
124 Mr. Showalter stated access to Parcel 11 will be provided by the existing gravel
125 lane from Barber Road. He explained that a variety of materials are held on-site,
126 screened and sold from the site and following approval the applicant would
127 engage a forester to cut trees on the western expansion and they would proceed
128 from a west/east pattern to strip topsoil and then mining.

129
130 Commissioner Boicourt asked about the thin line between Parcel 78 and Parcel 11
131 and noted it looks like the operation crosses over from one property to another
132 today. Mr. Showalter responded that the existing operation is permitted by
133 historic special exception to within approximately 50 feet of the southern
134 boundary of Parcel 78. He stated that the property is zoned Town Conservation
135 (TC) which does not permit sand and gravel expansion and there is a provision
136 which authorizes expansion of a legal nonconforming use up to 10 percent of the
137 approved area. Mr. Showalter described the thin strip as an expansion of the use
138 in the TC district through the 50-foot setback, currently not approved by the
139 existing special exception, so the mining can occur through that strip.

140
141 Commissioners Boicourt and Fischer stated they agreed with the 30 year
142 restriction of the forested area.

143
144 Commissioner Fischer asked what the reason was for reducing the buffer on the
145 stream side at the southern end of Parcel 11. Mr. Showalter responded that the
146 property owner to the south wanted to retain ownership for most of the stream

147 corridor but had no objection to having mining going up to most of the wooded
148 limit. Commissioner Fischer confirmed that the standard setback is 200 feet.

149
150 Commissioner Sullivan stated he has a letter from an adjacent homeowner who
151 asked that the hours be from sunrise to 7 pm. Mr. Showalter asked Mr. Frase to
152 answer and Mr. Frase stated those hours are consistent with the existing operation.
153 Mr. Frase noted activity only occurs when a contractor needs dry materials and
154 stated the reason he is seeking approval at this time is so he doesn't have to go
155 through a battle thirty years from now. He said he understands and respects his
156 neighbors feelings about the woods to the east and is willing to record a restrictive
157 easement to not clear the woods for thirty years; should the family have to sell the
158 property, any future buyer would follow this agreement.

159
160 Mr. Showalter asked Mr. Frase if he was typically excavating 8-10 hours a day
161 and he answered that he hauls only when necessary, Barber Road is the access
162 road and there will be no truck traffic impacting Beaver Dam Road.

163
164 Mr. Frase said the existing ten-acre pit has been excavated over 11 years, about an
165 acre a year, and it may be 95 more years before they get to the Holly Acres
166 subdivision.

167
168 Commissioner Spies stated he is comfortable with the boundaries although he
169 asked when the reclamation plan kicks into gear. Mr. Showalter answered when
170 you get to the conclusion of an area, then you start reclaiming it.

171
172 Commissioner Fischer asked for public comments.

173
174 Neighbors, Kathy Edwards and Tammy Strickland stated they initially had
175 concerns, but the meeting with Mr. Frase really helped to resolve some of their
176 concerns about reclamation. They also felt the way Mr. Frase is willing to leave
177 the tree buffer between the neighborhood and his business, as well as filing a
178 document with the court, is more than fair.

179
180 Commissioner Boicourt stated we don't often have this type of interaction
181 between the applicant and the neighbors and gave credit to Mr. Frase.

182
183 Commissioner Fischer stated he remains curious about the reduction of the
184 setback at the proposed southern boundary of Parcel 11 from 200 feet to 100 feet
185 as the required setback has been an established boundary for some time by the
186 County. He asked why the applicant wished to reduce the setback. Mr. Showalter
187 responded that this area of Trappe has a very unique, valuable resource not found
188 in other areas and mining at this location is the only way to access those
189 resources. Mr. Showalter added that the property is being purchased from the
190 current owner and an agreement was reached to keep the property line to the north
191 of the stream buffer.

Commissioner Fischer stated he was disappointed that several items were not showing on the site plan, such as the stream buffer. Ms. Fink answered that there was not enough time to complete fieldwork, prepare the plats and turn them in to the Zoning Department in time for this meeting.

Commissioner Fischer asked if the pond would continue to be a pond. Mr. Frase, Mr. Showalter, and Ms. Fink approached the Commissioners for a discussion.

Commissioner Spies moved to approve the major site plan for Trappe Sand and Gravel, LLC, c/o Andrew Frase, 29745 Barber Road, Trappe, Maryland, with all staff recommendations being complied with and that the 30-year restrictive covenant to restrict logging and mining along a vertical line on the east side of the property is required as a condition. Commissioner Boicourt seconded the motion. The motion carried unanimously, 4-0.

- b. Recommendation to Board of Appeals for Special Exception—Trappe Sand and Gravel, LLC, c/o Andrew Frase #18-1684—29745 Barber Road, Trappe, MD 21673 (map 59, grid 7, parcels 11 & 78, zoned Countryside Preservation/Town Conservation), Brendan Mullaney, McAllister, DeTar, Showalter & Walker, LLC, Agent.

Commissioner Spies moved to recommend the Board of Appeals approve the special exception for the mineral extraction operation by Trappe Sand and Gravel, LLC, c/o Andrew Frase, 29745 Barber Road, Trappe, Maryland, with all staff recommendations being complied with, and to approve the major modification to the existing Special Exception for mineral extraction. Commissioner Boicourt seconded the motion. The motion carried unanimously, 4-0.

- c. Recommendation to Board of Appeals for Special Exception Modification—Top of the Bay #18-1682—6026 Ocean Gateway, Trappe, Maryland 21673 (map 48, grid 5, parcel 113, zoned Agricultural Conservation), Bruce Armistead, Armistead Griswold Lee & Rust, Agent.

Ms. Deflaux presented the Staff Report requesting a modification to a special exception for an existing commercial kennel on the property addressed at 6026 Ocean Gateway, Trappe, Maryland. The purpose of the request is to relocate and enlarge an existing 2,510 square foot kennel and 670 square feet of storage, office and laundry facilities inside an existing residence to a two story kennel building 6,040 square feet in size to include 1,824 square feet on the second floor. The first floor will contain the kennel operation and the second floor will be storage for the kennel operation. Associated with the proposed kennel building are four exercise paddocks totaling 20,000 sq. ft. and a 2,880 sq. ft. exercise area. In addition, the applicant is requesting a modification to the conditions approved by Appeal No. 6-2067 from 1964, which limits the number of dogs to 40, to reflect the current operating capacity which limits the number of dogs to not more than

100 dogs. Concurrent with the application is a request to the Board of Appeals for variances of the 200 foot minimum setback, per the *Talbot County Code*, for a kennel building to be located no closer than 64.3 feet from the west property line and 146.4 feet from the east property line; and the exercise paddocks to be located no closer than 23.2 feet from the western property line, and 98.3 feet from the east property line.

Staff recommendations include:

1. The applicant shall take all of the required steps and acquire all necessary approvals, including any additional waivers necessary, required for a Major Site Plan and Landscaping Plan as spelled out in the *Talbot County Code*.
2. The applicant will Address Forest Conservation for redevelopment of the site.
3. A professional Site Plan with building restriction lines and buffers from environmental features shall be prepared for the Major Site Plan process.
4. The kennel capacity for boarding is limited to a maximum of 100 dogs. The applicant will maintain a census log with the number of dogs on site at all times.
5. The approval is subject to a determination by the Talbot County Health Department, Office of Environmental Health of the wastewater design flow of the commercial kennel operation.
6. The dogs are required to be contained within a fenced area at all times.
7. The applicant shall make an application to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction. Architectural construction drawings are required at the time of permit application.

Bruce Armistead and Zach Smith of Armistead Griswold Lee & Rust, representing Top of the Bay Pet Lodge, appeared before the Commission. Mr. Armistead thanked all of the staff for their help in getting to this point. He stated the applicant is requesting a modification of an existing special exception use. He stated they are not seeking site plan approval today as they would like to know if they can move forward before they get into the details.

Mr. Armistead noted to the Planning Commissioners that the staff report was the most substantive and complete report he had seen in some years. He described the site and kennel as having a unique history with the original approval granted in 1961 for 20 dogs and the owner having come back before the Board of Appeals and receiving approval for 40 dogs in 1962.

Mr. Armistead noted the zoning for the property was zoned VC until recently and the use was a legal nonconforming use under that district where the limits on expansion of a legal nonconforming use were very restricted. He explained that in 2017 the County Council rezoned this property to AC. He described the kennel as somewhat unusual as Mr. Strong is a nationally recognized dog trainer and has a number of top notch dogs in his kennel with a substantial portion of his dog

285 population in residence; the property does not have the typical traffic of a
286 transient kennel. Mr. Armistead noted the site has very poor soils that Mr. Strong
287 has been addressing for years and they are working with the health department for
288 approval of a replacement septic system with a mini-treatment plant which
289 involves storage tanks to handle maximum flows and dosing pumps to limit and
290 regulate the amount of effluent to go into the drain fields. Mr. Armistead stated
291 they have located a drainfield site on the north end of the property and there is
292 some timing urgency as Mr. Strong has been pumping and hauling.

293
294 Mr. Strong stated he is a professional dog handler and has dogs from around the
295 state and around the world which he takes to dog shows. Mr. Strong further stated
296 that he purchased Belle Kennels and turned it into a facility that could service the
297 local community to provide boarding, grooming and training as well as a basis for
298 his handling career. Mr. Strong explained that he employs approximately 13
299 people and the operation is seasonal.

300
301 Mr. Strong said the reason for the request is due to the strange shape of the
302 property. He stated that constructing the new kennel facility would give more
303 flexibility on the property as the current facility sits twenty feet from the property
304 line and moving the location brings it back further from the property line. In
305 addition, he stated, his office is in his residence and he would like to move it to
306 the main facility. He explained that he currently does not have a break room or a
307 meeting place for staff and the pet industry in the last decade has higher
308 expectations.

309
310 Commissioner Boicourt stated his concern about the location of the proposed
311 kennel but noted the variance is a Board of Appeals issue. Mr. Armistead
312 responded that the Planning Commission did not have an opportunity to see the
313 site like the Board of Appeals but noted that the area is very well wooded.
314 Commissioner Spies stated the proposal is consistent with the Comprehensive
315 Plan, including upgrading the septic system and the property.

316
317 Commissioner Fischer asked for public comments.

318
319 Ann McMannis, a neighbor, stated she had a clear line of site to the west side of
320 the kennel and noted the kennel's sanitary infrastructure became overwhelmed
321 and failed ten years ago with the kennel under an enforcement action to pump and
322 haul. Ms. McMannis stated there have been several incidents of overflowing
323 wastewater with animal feces, hair, oils, soaps, detergents, disinfectants and
324 insecticides. She expressed concern that the high tech waste system will be for
325 liquid wastes, not wash down water and noted the kennel is bounded on the north
326 and south by streams that flow into Trip Creek.

327
328 Kelly Willis, lives in Ocean City, and stated her family farm borders the kennel.
329 She noted dogs will bark and lunge when you walk past. Commissioner Fischer
330 confirmed the farm is to the south.

Tracy Schwinn, of Ocean Pines, stated her mother lives on the family farm property which borders the kennel. Ms. Schwinn noted the exercise paddock is 23 feet from the lane her mother rides on and noted the kennel's website offers doggy day care where they will be placed in the exercise paddocks. Ms. Schwinn said she feels the farm market value would go down because of the kennel next door.

Tyler Willis lives approximately 1,200 feet from the kennel and says the current operation is noisy and the planned facility will be even more noisy. Mr. Willis stated he built a 200 foot long straw bale fence 16 feet high and it made a difference in the noise coming from the kennel. Mr. Willis recommended the kennel abate the noise at the source.

Mr. Armistead asked Mr. Strong to comment on the measures he planned to take for noise. Mr. Strong approached the Planning Commission and pointed out the exercise areas to explain why it is noisier today than after the renovations. He explained the roof structure will contain a noise abatement feature to help abate the noise and further explained that 99.9% of the feces is collected so it does not go into the septic system. He stated there are hair traps and grease traps to prolong the life of the system.

Mr. Strong stated that the noise dogs make in the paddock area from playing and running are the noisiest part of the operation; they will bark while they are there. Mr. Strong stated a senior dog was fed inside four times a day and if the dogs are in the fenced area, unless you come up to the fence, they probably will not bark.

Mr. Armistead asked about the issue of encroachments. Mr. Strong stated there was a sandy driveway where his employees parked their cars and he asked the neighbors if he could rent the space as he had a storage shed, a storage pod, parked cars, and so forth there. One afternoon, he described, Mr. Tyler Willis asked to remove these items from his property. Mr. Strong said he moved the items but did not realize they were still encroaching on the property.

Commissioner Fischer asked why the kennel was positioned as it was. Mr. Strong stated they really only placed it on the plans to get the project in place for the meeting and they could change. Commissioner Fischer stated the reorientation of that dwelling would be beneficial for the Willis' but not for the families on the other side of the property.

Commissioner Spies expressed concern about the maximum number of dogs being 100 for fourteen percent of the year and suggested that if there were 40 dogs for most of the time, and 10% of the time there were a hundred dogs, he would feel more comfortable. Mr. Strong responded that like a hotel industry you are not always at capacity; there are days when he gets up to a hundred dogs but

the average is 30-40 dogs. Mr. Strong stated he is not asking for more, just better facilities.

Commissioner Boicourt moved to recommend the Board of Appeals approve the special exception modification for Top of the Bay for a dog kennel, 6026 Ocean Gateway, Trappe, Maryland; legalizing the septic disposal and providing a new structure with noise abatement; consider moving the structure further from the southwestern boundary; suggest noise abatement boundaries outside of the building to minimize noise to both sides of the property; increase the number of dogs to 100; and with all staff conditions being complied with. Commissioner Spies seconded the motion. The motion carried unanimously, 4 to 0.

5. Discussions Items

6. Staff Matters

- a. Ms. Verdery presented the Commission with a brief outline of Amendments to NextStep190. She stated amendments 1, 3 and 9 relate to Short-Term Rentals. Amendment No. 1 is an opportunity to open accessory structures to short-term rental use with a residency requirement associated with it.

Commissioner Fischer felt this has the potential to increase short-term rentals and that he favors the residency requirement but does not favor the amendment because there would be an increase in the number of short-term rental requests for accessory structures.

Commissioner Boicourt agreed. Commissioner Sullivan stated this appears to go directly at AirBnB and the question is whether they should be licensed and collect the fees, but it does not address the problem of the non-licensed short-term rentals. Commissioner Fischer responded that the County will be enforcing the unlicensed short-term rentals as the County has a contract in place with a vendor to identify owners that are unlicensed but advertising their rentals. Ms. Verdery said the vendor searches night and day to identify properties being rented in the County, and the County will check to see if they have a license. If they don't, she followed, then the Department will move forward with enforcement. As written, Ms. Verdery stated, the current Code does not allow for an accessory dwelling to be rented.

Commissioner Spies said it comes down to setting up the County enforcement and how renters respect their property. He said there has to be a way to figure out how to manage the players and bring the hammer down in a fair way; twice the number of good renters is better than half the number of poor renters.

Commissioner Fischer asked about the status of the Short Term Rental Review Board. Ms. Verdery answered the County Council is waiting for the passage of

the Code and, during the 60 day period after approval, the Council will appoint the Board.

Mr. Kupersmith asked if there were going to be written comments from the Planning Commission and Commissioner Fischer said he would write a letter with any comments.

Ms. Verdery explained that amendment No. 3 strikes the 500-foot setback requirement between short-term rentals and is replaced with a cap on the number of licenses in the County based on 2% of the number of household units per census data. Commissioner Fischer asked if there were any suggestions on what to do once the cap was reached. Mr. Kupersmith responded that the County may need to revisit the issue at the time. Commissioner Boicourt agrees with doing away with 500-foot setback. Commissioner Spies said there should be a better way to deal with short-term rentals than the cap.

Commissioner Sullivan spoke about an article he shared on short-term rentals in Lake Placid and stated he can see the County's problem getting bigger. Commissioner Spies said he feels the 2% is better than the 500-foot setback but setting a cap that is already close to the number of short-term rentals in the County does not give room to evaluate if the methodology works. He added that if the new legislation is to be evaluated, there has to be room for growth.

Mr. Kupersmith stated there are different levels of impacts with short-term rentals in terms of complaints. He explained that short-term rental impacts are a little different than residential. Commissioner Boicourt stated he does not have a problem with a cap, but he has a tough time making accommodation for people not legally renting. He said to hold slots open for them to come in legally is something we do not necessarily have to do.

Commissioner Fischer proposed agreeing to the amendment with a 2.5% or 3% cap. Commissioner Spies suggested a requirement that short-term rentals illegally renting prove that they had rented at least three times in that year. Commissioner Sullivan was against the cap.

The Commission agreed that there would be a cap and when the cap was neared there would be an analysis of the cap.

Ms. Verdery stated Amendment No. 9 is a prohibition of short-term rental licenses in the TR zoning district. The amendment was prompted primarily from communities outside St. Michaels, Bentley Hay and Rio Vista. She wanted to advise that these areas surround more than St. Michaels and include several other County subdivisions and a single parcel outside Oxford and Trappe that would be prohibited from having the opportunity to apply for a license. She noted that out of the 850 TR parcels, there are currently two which have a license and a third

467 which had issues which were resolved but the owner then sold the property and
468 there is no longer a license on the property.

469 Ms. Verdery stated that Amendment No. 2 is a structure height limit where staff
470 worked on the amendment with a property owner and wrote it into the grain
471 elevator section, but it was not carried over into the structure height chart. The
472 Commission had no comment.

473
474 Regarding Amendment No. 4, Standards on decisions, Commissioner Fischer
475 stated the amendment is more specific to sewer lines and the one by Ms. Williams
476 is more specific to facilities. Mr. Kupersmith stated that, while worded
477 differently, the two amendments have the same idea. Commissioner Fischer asked
478 if Mr. Kupersmith felt the language in Amendment No. 4 was more precise. Mr.
479 Kupersmith agreed but noted that Ms. Williams' proposal is different in that it
480 results from case law and addresses water and sewer.

481
482 The Commission felt the language of Amendment No. 4 was straightforward, less
483 ambiguous than the proposed alternative.

484
485 Ms. Verdery stated that Amendment No. 5 were amendments needed with the
486 adoption of Bill 1403; to remove the regulations regarding noise standards from
487 Chapter 190 and make reference to the new Noise Ordinance.

488
489 Ms. Verdery stated that Amendment No. 6 has various amendments that were
490 proposed by staff for minor corrections and section references, including one for
491 short-term rentals where the requirement for inspections would include a standard
492 form and report to be filled out by the entity inspecting, whether it was County
493 Inspectors, Middle Department, or some other inspectors.

494
495 Ms. Verdery stated that Amendment No. 7 includes various amendments to
496 comply with the critical area staff review, including the process for sectional
497 rezoning.

498
499 Ms. Verdery stated that Amendment No. 8 proposed to strike the section for
500 landscaping and contracting but to allow it under cottage industry with certain
501 allowances if the property is 10 acres or greater; increase the number of vehicles,
502 number of people and size of the building.

503
504 b. Amendments proposed:

505
506 Ms. Verdery stated there were a few additional amendments that were proposed.
507 She described recommendation by Mr. Ryan Showalter that proposed an
508 amendment related to property maintenance and landscaping. She explained that
509 he wanted to remove the requirement that it be off of a major collector road, to
510 require only new structures to meet the 200-foot setback, the outdoor storage area
511 be reduced to a 100-foot setback, and an increase number of employees.

Commissioner Fischer stated he was surprised to see these amendments after all of the public meetings.

As this is late in the game it does not allow for public comment.

Mr. Showalter asked to address the Commission. He presented comments during the hearings. The specific amendments, he explained, came from testing of a specific property leased by Oxford Lawn and Landscape without anyone being aware it was not permitted in that zoning district. He said the enforcement action was suspended and deferred to the NextStep190 process where it was discovered that the text amendment would not allow this property to be used for this purpose. He further stated that the property was rezoned to pull it out of the VC district and zone it AC. He noted the property is not on a major collector; the parking, storage, and office building that had been used for decades for marine contracting; and property maintenance was located within the setbacks.

Ms. Verdery wanted to make clear that these amendments have not been introduced but wanted to make the Commission aware of them.

Commissioner Fischer wanted to express to Mr. Showalter that this goes around the normal process and, coming in late, he is discomforted by it. He feels best to let these go.

Mrs. Verdery stated there is a proposal for a correction and explained that when Bill 1293 was adopted it made one correction but did not make a deletion in the e-code. She said staff is asking the Council to make the amendment again as the language was not stricken from the current code.

7. WorkSessions

8. Commission Matters

9. Adjournment—Commissioner Fischer adjourned the meeting at 12:45 p.m.